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OPEN-ENDED WORKING GROUP ON THE RIGHT TO DEVELOPMENT

Interim report of the High Commissioner for Human Rights submitted in accordance with Commission on Human Rights resolutions 1998/72 and 1999/79

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Introduction

1. Following the adoption of the Declaration on the Right to Development in December 1986, three consecutive mechanisms for the implementation and promotion of the right to development were established by the Commission on Human Rights:

(a) A working group of governmental experts to study the scope and contents of the right to development and to submit proposals for its implementation and for a draft international instrument on this subject (resolution 36(XXXVII) of 11 March 1981);

(b) A working group on the right to development with a three-year mandate to identify obstacles to the implementation and realization of the right to development and to recommend ways and means towards the realization of the right to development by all States (resolution 1993/22);

(c) An intergovernmental working group of experts with a two-year mandate to elaborate a strategy which should include recommendations for further practical measures for implementation and promotion of the right to development in its integrated and multidimensional aspects (resolution 1996/15).

2. In 1998, the Commission, in its resolution 1998/72 decided, "in view of the urgent need to make further progress towards the realization of the right to development", to establish a fourth follow-up mechanism, consisting, for the first time, of an *open-ended* Working Group *and* an *independent expert*. The Working Group has the mandate:

(a) To monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration;

(b) To review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;

(c) To present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including, inter alia, advice to the Office of the High Commissioner for Human Rights with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development.

3. In paragraph 11 of resolutions 1998/72 and 1999/79, the Commission invited the High Commissioner for Human Rights to provide interim reports to the working group covering:

(a) The activities of her Office relating to the implementation of the right to development as contained in her mandate;

(b) The implementation of resolutions of the Commission and the General Assembly with regard to the right to development; and

(c) Inter-agency coordination within the United Nations system for the implementation of relevant resolutions of the Commission in that regard.

4. The present interim report is submitted to the open-ended Working Group on the Right to Development of the Commission on Human Rights in response to that request. The attention of participants in the open-ended Working Group is also drawn to the report of the High Commissioner to the fifty-fifth session of the Commission on Human Rights (E/CN.4/1999/19).

I. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS RELATING TO THE IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT

5. The adoption of the Vienna Declaration and Programme of Action, the creation of the post of High Commissioner for Human Rights, with its clear and unequivocal mandate to promote the realization of the right to development, and the endorsement by the General Assembly of the Secretary-General's Programme for Reform (A/51/950 and Add.1-7 and Corr.1), which recognizes the central importance and relevance of human rights, including the right to development, to the United Nations programmes and activities, have created a momentum for putting the realization of the right to development at the top of the international community's agenda for human rights.

6. In this framework, the High Commissioner has demonstrated a strong commitment to the full realization of the right to development. The promotion and implementation of the right to development is among the priorities of the work of her Office, not only because this is part of her mandate, but because only a real and action-oriented commitment to the realization of the right to development will allow the international community - Governments, the United Nations system, the financial institutions, non-governmental and civil society organizations working together - to set the basis for a concrete and coordinated response to the demands of all individuals and peoples - and in particular of the half of the world's population living in poverty - to live in peace, freedom and dignity.

7. Under the guidance of the High Commissioner, the activities of her Office in this regard are organized:

(a) Horizontally, by:

(i) Promoting the realization of economic, social and cultural rights and a balanced approach to all human rights;

(ii) Promoting international cooperation aiming at ensuring development and eliminating obstacles thereto;

(iii) Encouraging greater inter-agency cooperation; and

(iv) Supporting the follow-up mechanisms of the Commission on Human Rights on the right to development;

(b) Vertically, by addressing the global, regional and national dimensions of the promotion and protection of the right to development.

8. An update on the activities described in paragraphs 7 and 8 of the report of the High Commissioner to the Commission on Human Rights (E/CN.4/1999/19) is given below.

9. The guidelines for Common Country Assessment (CCA) and United Nations Assistance Development (UNDAF) were adopted by the Executive Committee of the United Nations Development Group (UNDG) in April this year, and a number of country teams are working on the preparation of the CCAs and UNDAFs. The CCA and UNDAF process is an opportunity to provide support to countries in building capacity towards the achievement of the right to development, and OHCHR is committed to being closely involved in this process. Work to that end has been undertaken within the UNDG and its working groups and subgroups.

10. The main points to be noted in this respect are:

(a) The development by November 1999 by the UNDG ad hoc Group on the Right to Development, chaired by the High Commissioner, of a training module on human rights for UNDAF teams. This training module will highlight the content of human rights and their relevance to development assistance activities of the United Nations at the country level;

(b) The inclusion of civil and political rights indicators, side-by-side with economic and social indicators, in the CCA Indicator Framework prepared by the UNDG Subgroup on Common Indicators, in order to provide a full and accurate picture of the development situation of a country and allowing the design of adequate development assistance. Work to define relevant indicators easily usable by country teams for assessing the three clusters of civil and political rights included in the Framework - "security of the person", "administration of justice" and "democracy and participation" - is still in progress and will be completed before the end of the year;

(c) The participation of OHCHR in a workshop organized by the United Nations Development Group Office (UNDGO) on 8 July 1999, at which more effective and efficient participation by OHCHR in the CCA and UNDAF process was discussed. OHCHR is considering setting up an internal mechanism to respond to the needs of and requests for support by United Nations country teams.

11. The report of the Oslo Symposium on Human Rights and Human Development, held in October 1998 and organized jointly by the Government of Norway, UNDP and OHCHR, will be published shortly. The report summarizes the discussions held during the Symposium, which gathered experts in both development and human rights, including the High Commissioner and the UNDP Administrator, and lists the Symposium's recommendations for action at the country and global levels. The report provides a comprehensive conceptual basis for further discussions on the links between human rights and human development, on the respective roles of all the actors involved, and on ways to implement human rights in development cooperation and assistance.

12. Two regional seminars on the right to development are planned for this year, one in Abidjan from 4 to 8 October and the other in Santiago from 22 to 26 November. These seminars are intended to stimulate the debate on ways and means to implement the right to development more effectively, and to seek ways to support a regional strategy for technical cooperation in the field of human rights and the right to development.

13. The following new activities should also be highlighted:

(a) A seminar entitled "Human rights and human development in the Arab region", organized jointly by the UNDP Regional Bureau for Arab States, OHCHR and the Arab Organization for Human Rights, was held in Cairo from 7 to 9 June 1999. Participants included representatives of Governments and parliamentary committees, regional and national non-governmental organizations, the private sector, and academics. At the end of the seminar, the participants adopted the "Cairo Agenda for Action for the Realization of the Right to Development in the Arab States", which invites UNDP and OHCHR, in cooperation with the Arab Organization for Human Rights, to undertake a series of training sessions to enhance and promote awareness of the rights-based approach to development and to identify means to operationalize human rights in development and the right to development. The main beneficiaries of these awareness-building and training activities will be Governments, parliaments, non-governmental and civil society organizations, institutes for human rights research and documentation, the business community and the media;

(b) Since 1990, seven Workshops on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region have been organized by OHCHR. These workshops seek to promote regional cooperation for the universal respect for, and observance of, human rights and fundamental freedoms. During the Tehran Workshop in 1997, a framework for regional technical cooperation was adopted to develop, inter alia, strategies for the realization of the right to development and economic, social and cultural rights. With respect to the latter, the last workshop, held in February this year in New Delhi, recommended that an inter-sessional regional workshop on the right to development and economic, social and cultural rights and on steps to be taken in this regard at the national and international levels be organized. It also recommended that the workshop should focus on issues relating to international cooperation, including identifying quantifiable benchmarks for the implementation of the right to development; identifying obstacles to the realization of the right to development and economic, social and cultural rights; and proposing relevant actions to strengthen national capacities for the promotion and protection of these rights. The workshop is scheduled to be held at the beginning of next year;

(c) OHCHR is also actively involved in the follow-up to the World Summit for Social Development. The Office participated in the Inter-Agency Meeting to coordinate the Preparation for the Special Session of the General Assembly on the Implementation of the Outcome of the World Summit for Social Development, organized by the Division for Social Policy and Development during the July session of the Economic and Social Council, and will be contributing to the preparation of the information and material for the General Assembly.

II. IMPLEMENTATION OF RESOLUTIONS OF THE COMMISSION ON HUMAN RIGHTS AND THE GENERAL ASSEMBLY WITH REGARD TO THE RIGHT TO DEVELOPMENT

14. Since the appointment in August 1998 of the independent expert on the right to development by the Chairman of the fifty-fourth session of the Commission on Human Rights, OHCHR has provided technical and secretariat support to the independent expert.

15. In particular, the High Commissioner organized a meeting on 14 December 1998, aimed at identifying ways to enhance coordination between five mandates of the Commission on Human Rights closely related to the promotion and realization of the right to development and economic and social rights (i.e. the mandates of the independent expert on the right to development, the independent expert on extreme poverty, the Special Rapporteur on foreign debt, the independent expert on structural adjustment policies and the Special Rapporteur on the right to education), and the work of the United Nations system. Representatives of UNDP, the United Nations Conference on Trade and Development (Mr. Ricupero participated), the World Health Organization (Dr. Brundtland participated), the International Labour Organization, the World Trade Organization and the International Monetary Fund participated in the meeting, and concrete and regular follow-up to this initiative is being considered.

16. More recently, the High Commissioner convened a meeting on 18 and 19 May 1999, at which a number of eminent experts and leading thinkers in the areas of development and human rights participated in an informal, in-depth exchange of views on the right to development in order to enrich the work of the independent expert.

17. Other mandates deriving from resolutions of the Commission on Human Rights on issues closely linked to the realization of the right to development - such as economic, social and cultural rights and, in particular, the right to education, foreign debt, structural adjustment policies and extreme poverty - are receiving support from OHCHR. Arrangements are currently being made to increase the technical and secretariat support to those mandates and the related research capacities of the Office.

18. In addition, in accordance with repeated requests made by the Commission on Human Rights (see resolution 1999/25) for increased and adequate support to the work of the Committee on Economic, Social and Cultural Rights, OHCHR is implementing the Programme of Action to Strengthen the Implementation of the International Covenant on Economic, Social and Cultural Rights. This Programme of Action aims at supporting the work of the secretariat of the Committee, in particular at the level of the reporting process, by providing analytical support, liaison with the United Nations system, and follow-up through technical cooperation and other activities.

III. INTER-AGENCY COORDINATION WITHIN THE UNITED NATIONS SYSTEM FOR THE IMPLEMENTATION OF RELEVANT RESOLUTIONS OF THE COMMISSION ON HUMAN RIGHTS

19. In the framework of the memorandum of understanding between UNDP and OHCHR signed in March 1998, a task force composed of representatives of both organizations has been established and meets regularly. The task force is pursuing the following issues:

(a) The promotion of the right to development;

(b) Advocacy for ratification of human rights treaties;

(c) Joint action on technical cooperation in the field of human rights and on human rights decades;

(d) Support to OHCHR staff in the field; and

(e) Human rights training for UNDP staff.

20. In April, the High Commissioner and the Associate Administrator of UNDP signed the Joint Human Rights Strengthening (HURIST) programme. The programme aims at supporting the implementation of UNDP's policy on human rights as presented in the policy document, "Integrating Human Rights with Sustainable Human Development". Its primary purposes are to test guidelines and methodologies and to identify best practices and learning opportunities (for UNDP and OHCHR) in the development of national capacity for the promotion and protection of human rights and in the application of a human rights approach to development programming. It will support country offices requested by governments to provide assistance in the field of human rights and generally contribute to the development of UNDP's capacity to apply a human rights approach in its work.

21. Also in the context of the memorandum of understanding between UNDP and the OHCHR, several efforts are under way to strengthen the capacity of UNDP staff to integrate human rights into their programmes of work at the country level. As regards training, UNDP's Management Development and Governance Division, in collaboration with OHCHR, has organized two workshops to train senior UNDP staff and their national counterparts in human rights.

22. The first workshop, for Central and West Africa, was held in Abidjan from 10 to 12 May 1999 and covered the 23 UNDP country offices of this subregion. Each country office invited one government representative to receive simultaneous training. The second workshop was held in Colombo from 21 to 24 June and covered the Asian and Pacific region. Additional workshops are planned for later in 1999 and in 2000 to cover southern Africa, Europe and the Commonwealth of Independent States, Latin America and the Arabic-speaking countries. Further workshops are planned to train UNDP programme-level staff in human rights. Consistent with the Secretary-General's reform programme and UNDP's commitment to integrate human rights with sustainable human development, these workshops are a crucial first step towards accomplishing the stated goals.

23. Finally, with respect to cooperation with the financial institutions, OHCHR has been working for the past few years on establishing foundations for cooperation with the World Bank through the development of regular contacts at all levels, including between the High Commissioner and the President of the World Bank. This cooperation is deemed by OHCHR to be a necessary stage in the pursuit of a comprehensive approach to development assistance, which would incorporate the social and human elements of development guaranteed by the international human rights legal framework, and therefore promote the realization of the right to development.

24. The recent adoption by the World Bank of a "Comprehensive Development Framework" (CDF), which consists of a "possible framework for presenting and managing a holistic approach to the structural, social and human aspects of development", offers an opportunity for OHCHR to work with the World Bank at the country level. OHCHR, directly and through the United Nations Development Group, is exploring ways and means to be involved in the implementation of the CDF in the pilot countries, and to link it with the CCA and UNDAF process.

IV. CONCLUSION

25. The General Assembly has charged the High Commissioner with the principal mandate within the United Nations system to promote the realization of the right to development. However, the international community as a whole, including States, agencies and programmes of the United Nations, non-governmental and civil society organizations, have a crucial role to play to this end.

26. The momentum mentioned in the introduction to this report must be encouraged by the Working Group in order to move the issue forward. The Working Group on the Right to Development provides the opportunity to all actors to make proposals to the Commission on Human Rights and to the Office of the High Commissioner for Human Rights for concrete action. This new mechanism will allow the international community, through an in-depth exchange of views and dialogue, to adopt informed policies and action plans in order to achieve the goals of the Declaration on the Right to Development.

27. The study presented by the independent expert, Mr. Arjun Sengupta, to the Working Group (E/CN.4/1999/WG.18/2) is a tool for such dialogue. It should be the basis for thorough discussion among the participants and stimulate comments and proposals on which the independent expert and the OHCHR could build.

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